



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

MEM
F. #2017R01937

*610 Federal Plaza
Central Islip, New York 11722*

February 17, 2019

Via ECF

The Honorable Joan M. Azrack
United States District Court Judge
100 Federal Plaza
Central Islip, NY 11722

Re: United States v. Howard Davis
Criminal Docket No. 17-CR-615 (S-1)(JMA)

Dear Judge Azrack,

I write to disclose the results of the government's investigation regarding Mr. Davis' claims of being unable to receive visitors while incarcerated at the Metropolitan Correctional Center ("MCC"). I was advised by an attorney for the MCC that the defendant currently has one approved visitor whose initials are AP. I was further advised that she is the mother of the defendant's child. I contacted Mr. Christopher Cassar, counsel to the defendant, on multiple occasions in an effort to find out if the defendant had attempted to submit additional applications for approved visitors. Mr. Cassar advised me that he was on trial and would respond at a later time. To date the government has not received a response.

In addition to AP, the defendant had another approved visitor whose initials are KA. On December 25, 2018, while KA and a baby were visiting the defendant, MCC staff observed KA remove an object (the "object") from the baby's diaper and attempt to pass the object, along with the baby, to the defendant. MCC staff observed the defendant simultaneously take the object and the baby into his possession. Ultimately the defendant was ordered by staff to leave the visiting room so a strip search of the defendant could be conducted. As the defendant stood to leave the visiting area, MCC staff observed the object fall to the ground near the defendant. The object tested positive for the presence of amphetamines. Because of what occurred KA is no longer an approved visitor. The defendant was removed from his regular housing space and placed in the segregated housing

unit (“SHU”) pending further investigation of the incident. An attorney for the MCC advised me that the defendant can still, even while in SHU, visits from AP. As of this writing AP is the only known approved visitor for the defendant.

Should additional information become available I will continue to advise the Court as warranted.

Very truly yours,

RICHARD P. DONOGHUE
United States Attorney

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cc: Christopher Cassar, Esq. (by ECF and Email)